

### **REMARKS:**

Claims 1, 7-17, 20-34, 36-40, and 42-79 were presented for examination and were pending in this application. In an Official Action dated June 13, 2005, claims 1, 7-17, 20-34, 36-40, and 42-77 were rejected and claims 78 and 79 were withdrawn from consideration. Applicant thanks Examiner for examination of the claims pending in this application and addresses Examiner's comments below. Applicant further thanks Examiner for conducting an Examiner's Interview of October 11<sup>th</sup> with Applicant's representatives to discuss claims 1 and 31 in view of the newly cited reference, Cates. The substance of this interview was summarized by Examiner in the Interview Summary of October 17, 2005 and further incorporated throughout Applicant's remarks in this Amendment and Response.

Applicant herein amends claims 1, 25, 31, 39, 45, 61, 67, and 72. Claims 78 and 79 are withdrawn without prejudice. These changes are believed not to introduce new matter, and their entry is respectfully requested. The claims have been amended to expedite the prosecution of the application in a manner consistent with the Patent Office Business Goals, 65 Fed. Reg. 54603 (Sept. 8, 2000). In making these amendments, Applicant has not and does not narrow the scope of the protection to which Applicant considers the claimed invention to be entitled and does not concede that the subject matter of such claims was in fact disclosed or taught by the cited prior art. Rather, Applicant reserves the right to pursue such protection at a later point in time and merely seeks to pursue protection for the subject matter presented in this submission.

Based on the above Amendment and the following Remarks, Applicant respectfully requests that Examiner reconsider all outstanding objections and rejections, and withdraw them.

### **Response to Restriction Requirement**

In the 2nd paragraph of the Office Action, Examiner has indicated a restriction requirement as to claims 78 and 79, withdrawing them from consideration. Applicant confirms election of claims 1, 7-17, 20-34, 36-40, and 42-77 for prosecution and withdraws, without prejudice, claims 78 and 79. Applicant reserves the right to pursue the subject matter recited in claims 78 and 79 at a later time.

### **Response to Rejections Under 35 USC 103(a)**

Claims 1, 7-17, 20-34, 36-40, and 42-77 were rejected under 35 USC § 103(a) as being unpatentable over U.S. Patent No. 6,078,892 to Anderson et al. (“Anderson”) in view of Boudrow, Chamber Referral Program Not for All Real Estate Agents (“Boudrow”), and further in view of Cates, Why You Need a Hit List, Wall Street, vol. 9, no. 12, December 1999 (“Cates”). Applicant respectfully traverses this rejection.

The independent claims, as amended, now recite the sending of an introductory “first confirmation message” triggered by the detection of lead selection signal in the administrative unit of the electronic database system. Triggering this confirmation message to be sent responsive to detection of a signal within the database system, which is “operated by a third party not under the control of the sales agent,” clarifies that human intervention is not what triggers the automatic sending of the confirmation message to the lead. As the Examiner suggested during the telephonic interview, elements of the system are expressly

recited performing interrelated functions that more clearly point out how Applicant's invention is distinguishable from the cited references.

The automatic sending of the independent first confirmation message provides a significant improvement over the state of the art as set forth in the cited references. As discussed with the Examiner during the interview, this "introductory" message beneficially serves the purpose of introducing the lead to the sales agent prior to the lead being contacted by the sales agent in any form, including via phone, electronic mail, in person, via letters, or the like. In addition, by being sent automatically, that is triggered by the detection of an electronic signal in the administrative unit of the database system, the introductory message provides a sense of credibility for the sales agent, so that, by the time the sales agent contacts the lead, the lead is already expecting the contact. For example, the party operating the database system (a party independent from the sales agent) may be trusted by the lead (e.g., the lead may have requested sales information for a product or service from the database operator). For the trust relationship to exist, the independent nature of the system has to be maintained, thus the independent system does not operate under the control or direction of the sales agent. By sending the introductory message prior to any contact from the sales agent, the lead receives advanced notice that a particular sales agent will be contacting the lead with respect to the trusted party's product or service. This serves to increase the chance of a successful contact eliminating the need for cold-calling by sales agents.

In contrast, the combination of Anderson with Boudrow and Cates simply discloses a lead database that provides searching and pre-scoring of leads for sales agents (see Anderson, Abstract) with the notion of "giving agencies a 30-day exclusive leads for a \$100 payment per quarter," (Boudrow, p.1, ¶ 6) and the notion of "relying on a trusted referral network in

which leads feel more comfortable and are more receptive to approaches from strangers.” (See Cates, ¶¶ 1, 5, and 10-11) The combination of Anderson, Boudrow, and Cates fails to teach or suggest “an electronic lead selection signal responsive to a lead selection from the sales agent” that when detected by the administrative unit of the lead database system triggers the automatic transmission of the confirmation message, independently introducing the agent to the lead as recited in the claims.

As Examiner stated, Anderson does not teach this step. Similarly, Cates does not teach this step. The Cates reference teaches the idea of “reciprocity” among people in networking groups (¶ 4-5). At best, Cates teaches letting a sales agent’s networking contacts know of the sales agent’s interests for qualified prospects with the hope (and understanding) that should the networking contacts run into any such prospect they will introduce them to the sales agent. Cates does not provide a pool of leads available for selection that are automatically notified of their selection by the sales agent. In Cates “qualified prospects” are not available for selection by the sales agent, they simply are desirable ones, and thus cannot be automatically contacted responsive to an electronic signal indicating their selection by the sales agent. Moreover, the “qualified prospects” in Cates are subject to one of the sales person’s networking partners meeting them and if they think the sales agent may benefit from meeting the prospect would set up an introduction. This approach does not allow the sales agent to select his or her own leads from a set of available leads and in fact runs afoul the pull approach of Applicant’s invention. Having a networking partner decide to setup an introduction of a qualified prospect is not an automatic process, the networking partner is going to have many self-interest factors to consider, e.g., whether they rather take on the business themselves, whether some other networking partner he/she has a better relationship

with also wants to be introduced to this prospect, and potentially many other such self-interest concerns.

Thus, Cates does not teach triggering the automatic transmission of a confirmation message from an electronic database system to a lead responsive to the system's administrative unit detecting a lead selection from a sales agent. Thus, the combination of Anderson with Boudrow and Cates fails to teach or suggest the triggering an automatic transmission of a first confirmation message to a lead responsive to detecting an electronic lead selection signal by the administrative unit as recited in the claims.

Accordingly, Applicant respectfully submits that for at least these reasons claims 1, 25, 39, 45, 61, 67, and 72 and their dependent claims and their dependent claims 7-17, 20-24, 26-34, 36-38, 40, and 42-44, 46-60, 62-66, 68-71 and 73-77 are patentably distinguishable over the cited references, both alone and in combination. Therefore, Applicant respectfully requests that Examiner reconsider the rejections, and withdraw them.

### **Conclusion**

In sum, Applicant respectfully submits that claims 1, 7-17, 20-34, 36-40, and 42-77, as presented herein, are patentably distinguishable over the cited references, alone or in combination. Therefore, Applicant requests reconsideration of the basis for the rejections to these claims and request allowance of them.

In addition, Applicant respectfully invites Examiner to contact Applicant's representative at the number provided below if Examiner believes it will help expedite furtherance of this application.

Date:

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By:

Respectfully Submitted,  
AXEL SCHULTZE

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